

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

MARGARET LOPEZ,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Case No.:
	§	
THUNDERBIRD COLLECTION	§	
	§	
SPECIALISTS, INC.,	§	
	§	
Defendant.	§	

**VERIFIED COMPLAINT**

MARGARET LOPEZ, Plaintiff, through her attorneys, alleges the following against  
THUNDERBIRD COLLECTION SPECIALISTS, INC., Defendant:

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Because Defendant conducts business in the state of New Mexico, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

**PARTIES**

5. Plaintiff is a natural person residing in Clayton, New Mexico and is allegedly obligated to pay a debt and is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is debt collection company located in Scottsdale, Arizona.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

10. Defendant places collection calls to Plaintiff seeking and demanding payment for an alleged debt owed to Union County General Hospital.
11. Defendant calls from its phone number of (480) 455-4520 to Plaintiff's home phone number at (575) 374-2576.
12. On November 15, 2011, Defendant's agent, "Mrs. Williams," called Plaintiff and threatened to serve Plaintiff with a lawsuit.
13. During that same call, Defendant's agent also threatened to seize Plaintiff's property if

Plaintiff does not pay.

14. Later that same day, Defendant called back again demanding payment and asking Plaintiff, "Well, what are you going to do?"
15. During that conversation, Defendant also said Plaintiff has not paid the hospital since August 25, 2011.
16. Plaintiff has in fact made the following payments:
  - September 2011: \$25.00
  - October 2011: \$50.00
17. Plaintiff has explained on numerous occasions that she has been making payments every month. However, Defendant has on numerous occasions threatened that Defendant will seize Plaintiff's property.
18. As of the date of the filing of this Complaint, Defendant has not obtained a judgment nor is it able to rely on statutory authority to seize or encumber Plaintiff's property.
19. Further, Plaintiff is informed and believes, and thereon alleges, that Defendant does not own the alleged debt in question, and therefore is not able to sue Plaintiff on the debt.

**COUNT I  
DEFENDANT VIOLATED THE FAIR DEBT  
COLLECTION PRACTICES ACT**

20. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of a debt;

- b. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations with the collection of the debt, when Defendant represented to the client that it was going to sue Plaintiff and seize her property;
- c. Defendant violated §1692e(5) of the FDCPA by threatening to take legal action against Plaintiff that is not intended to be taken.

WHEREFORE, Plaintiff, MARGARET LOPEZ, respectfully requests judgment be entered against Defendant, THUNDERBIRD COLLECTION SPECIALISTS, INC., for the following:

- 21. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
- 22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
- 23. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, MARGARET LOPEZ, requests a jury trial in this case.

DATED: April 25, 2012

RESPECTFULLY SUBMITTED

By: /s/ Charles N. Lakins, Esq.  
Charles N. Lakins, Esq.  
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Attorney for Plaintiff

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

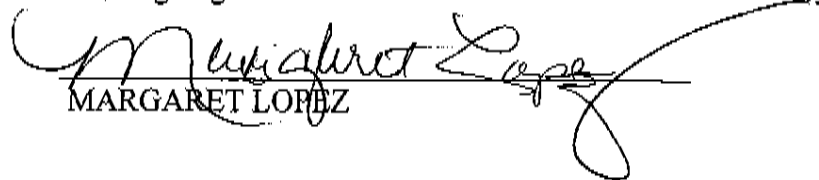
(STATE OF NEW MEXICO)

Plaintiff, MARGARET LOPEZ, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, MARGARET LOPEZ, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 3-26-12

  
MARGARET LOPEZ